

Figure E-10 Statutory Checklist

**STATUTORY CHECKLIST [§58.35(a) activities]
for Categorical Exclusions and Environmental Assessments**

Note: Review of the items on this checklist is required for both Categorical Exclusions under Sec. 58.35(a) and projects requiring an Environmental Assessment under Sec. 58.36. If no compliance with any of the items is required, a Categorical Exclusion [58.35(a)] may become "exempt" under the provisions of Sec. 58.34 (a) (12). In such cases attach the completed Statutory Checklist to a written determination of the exemption. Projects requiring an Environmental Assessment under Sec. 58.36 cannot be determined to be exempt even if no compliance with Statutory Checklist items is found. Three items listed at Sec. 58.6 are applicable to all projects, including those determined to be exempt.

Project Name and Identification No. DOH 1249, 22 James Street, Milford, Connecticut

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Provide compliance documentation. Additional material may be attached.
Document Laws and authorities listed at 24 CFR Sec. 58.5							
1. Historic Properties [58.5(a)] [Section 106 of NHPA]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SHPO pending, see attached letter
2. Floodplain Management [58.5(b)] [Ex Or 11988] [24 CFR 55]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Flood Zone AE, FEMA FIRMette Panel 09009C0529J map revised July 8, 2013 attached Appendix B attached
3. Wetland Protection [58.5 (b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is not located in any identified wetlands, see attached USFWS Wetlands Inventory map
4. Coastal Zone Management [58.5(c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Parcel shown within Coastal Area Management (CAM) – waived, See Appendix B
5. Water Quality – Aquifers [58.5(d)] [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No aquifers were identified in the area of the site on the CTDEEP GIS, See attached map
6. Endangered Species [58.5(e)] [16 U.S.C. 1531 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is located with a NDDB area however it is not waterfront property on a sandy beach
7. Wild and Scenic Rivers [58.5 (f)] [16 U.S.C. 1271 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Per the CT DEEP there are no Wild and Scenic Rivers in the Town of Milford
8. Air Quality [58.5(g)] [42 U.S.C. 7401 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Although asbestos has been found at the site, an EA nor an EIS is required. Any air quality impacts should be short term and localized.
9. Farmland Protection [58.5(h)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site has already been developed and no additional clearing is required for the rehabilitation

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Manmade Hazards 10 A. Thermal Explosive [58.5(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There will be no change in density or change of use. See attached letter from Milford Fire Department
10 B. Noise [58.5(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not applicable per CPD-13-05. The site will be substantially restored to pre-disaster conditions
10 C. Airport Clear Zones [58.5 (i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site is located outside the Sikorsky Airport clear zone and the airport is not typically used as a military airfield.
10 D. Toxic Sites [58.5 (i)(2)(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is not located on the EPA Superfund National Priority or CERCLA lists or the CT equivalent; there are no know non-residential underground fuel oil tanks; it is not known or suspected to be contaminated with toxic chemicals or radioactive materials. The site is located within 3000 feet of a capped solid waste landfill that existed prior to the disaster. The site will be substantially restored to pre-disaster conditions including public water service.
11. Environmental Justice [58.5(i)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is NOT located within a predominately minority or low income neighborhood
Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns							
12 A. Flood Insurance [58.6(a) & (b)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Policy is attached per federal regulations and program guidelines. Owner is required to obtain and maintain flood insurance for a five year period as a prerequisite for receiving assistance.
12 B. Coastal Barriers [58.6(c)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The only Coastal Barrier Zone in Milford is located at Nells Island and Duck Island in the southwest section of the town per FIRM Panels 09009C0528J and 09009C0536J both with effective date 7/8/2013. Also see attached map of the John Chaffe Coastal Barrier Resource System
12 C. Airport Clear Zone Notification [58.6(d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The property is not for sale and Airport Clear Zone for Sikorsky Airport & Tweed New Haven do not cross municipal boundaries
13 A. Solid Waste Disposal [42 U.S.C. 53251 et seq.] and [42 U.S.C. 6901-6987 et seq.]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solid waste impact is expected to be minimal as the scope of the project is limited to pre-storm building footprint.
13 B. Fish and Wildlife [U.S.C. 661-666c]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project will not impact any water bodies

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13 C. Lead-Based Paint [24 CFR Part 35] and [40 CFR 745.80 Subpart E]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A survey of the site performed by Loureiro Engineering Associates identified lead-based paints in various areas and provides recommendations for removal. See attached report.
13 D. Asbestos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A survey of the site performed by Loureiro Engineering Associates identified asbestos and provides recommendations for removal. See attached report.
13 E. Radon [50.3 (l) 1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A survey of the site identified radon at levels below the EPA threshold for mitigation. It is not anticipated that radon will increase as a result of construction, however, testing will be performed upon completion of an enclosed ground level space (if applicable) and appropriate recommendation for mitigation have been provided. See attached report
13 F. Mold	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A survey of the site performed by Loureiro Engineering Associates identified mold at the site and provides recommendations for removal. See attached report.
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project is compliant with DEEP Flood Management Certification, Appendix B attached
14 B. Structures, Dredging & Fill Act [CGS 22a-359 to 22a-363f]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Activities do not require approval from CTDEEP OLISP Permitting section
14 C. Tidal Wetlands Act [CGS 22a-28 to 22a-35]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tidal wetlands have not been identified for this site. See aforementioned USFWS Wetland Inventory Map (item 3)
14 D. Local inland wetlands/watercourses [CGS 22a-42]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property is not located within regulated wetlands, See aforementioned USFWS Wetland Inventory Map (item 3)
14 E. Various municipal zoning approvals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building and Zoning permits attached

DETERMINATION:

- ☐ This project converts to Exempt, per §58.349a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license. Funds may be drawn down for this (now) EXEMPT project; **OR**
- ☒ This project cannot convert to Exempt because one or more statutes/authorities requires consultation or litigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per §58.70 and 58.71 before drawing down funds; **OR**
- ☐ The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

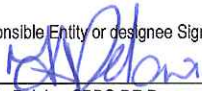
Prepared by:



Name: Edward G. Shelomis, P.E., Vice President

3/4/2015
Date

Responsible Entity or designee Signature:



Hermia Delaire, CDBG-DR Program Manager

7/9/15
Date